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Follow up Report

*by Sweden on the recommendations of the Monitoring Group of
the Anti-Doping Convention*

Introduction

Sweden signed the Anti-Doping Convention (ETS No. 135) on 16 November 1989. The Convention was ratified by Sweden on 29 June 1990 and came into force on 1 August of the same year. Sweden signed the Additional Protocol to the Convention (ETS No. 188) without reservation as to ratification. Prior to the evaluation visit, Sweden submitted a report to the Council of Europe in November 2003 giving a brief account of Sweden's implementation of the Convention. The report was prepared by the Ministry of Justice in cooperation with the Swedish Sports Confederation (SSC) and addressed the articles of the Convention that are relevant in this context (Articles 1-9).

Between 10 and 13 February 2004 Sweden hosted a visit by an evaluation team appointed by the Council of Europe. The evaluation team duly presented its report containing recommendations under a number of articles. The report submitted by Sweden, together with the report of the evaluation team, was later officially published by the Council of Europe on 13 October 2004 under registration number T-DO (2004) 35. According to the Procedural Guidelines prepared by the Secretariat of the CDDS in consultation with the Group on Compliance with Commitments (CDDS (2003) 59) the Member State or Party agrees to submit, within two years at most, a follow-up report(s) on actions taken on the recommendations of the visiting team.

This follow-up report intends to present actions taken in Sweden, both by the Swedish Government and the Swedish Sports Confederation (SSC), and to give explanatory comments in respect to the recommendations presented in the report of the evaluation team. In order to give a thorough report, the report will also include a presentation of the Convention articles where the evaluation team estimated or considered that the requirements of the article were fulfilled.

The articles of the Convention

- Recommendations by the evaluation team
- Actions taken and explanatory comments made by the Swedish Government and/or the Swedish Sports Confederation (SCC)

Article 1 – Aim of the Convention

The parties, with a view to the reduction and eventual elimination of doping in sport, undertake, within the limits of the limits of their respective constitutional provisions, to take the steps necessary to apply the provisions of this convention.

The evaluation team estimated that the political commitment expected in Article 1 is fulfilled.

Article 2 – Definition and scope of the Convention

1. For the purposes of this Convention:

- a) **“doping in sport” means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;**
- b) **“pharmacological classes of doping agents or doping methods” means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the monitoring group under the terms of Article 11.1.b;**
- c) **“sportsmen and sportswomen” means those persons who participate regularly in organised sports activities.**

2. Until such time as a list of banned pharmacological classes of doping agents and doping methods is approved by the monitoring group under the terms of Article 11.1.b, the reference list in the appendix to this Convention shall apply.

The evaluation team thought that the scope of the Convention and the definitions applied in Sweden are taken into account in a satisfactory manner.

Article 3 – Domestic co-ordination

1. The Parties shall co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport.

2. They shall ensure that there is practical application of this Convention, and in particular that the requirements under Article 7 are met, by entrusting, where appropriate, the implementation of some of the provisions of this Convention to a designated governmental or non-governmental sports authority or to a sports organisation.

The evaluation team considers that the Swedish system adheres resolutely to the system of subsidiarity. The system is very streamlined, and keeps its administrative costs to a minimum (joint formulation of targets, controlling). Furthermore, it is subject to very little government control, which is reflected by the fact that the government is not even represented on the Board

of the SSC. However, the evaluation team had the impression that at all levels of the anti-doping system, the vision and objectives pursued are the same. The evaluation team considers therefore that the co-ordination function of governmental activities is fulfilled. Moreover there is a great delegation of responsibility to a non-governmental sport authority but this seems to be very appropriate in the Swedish context.

Article 4 – Measures to restrict the availability and use of banned doping agents and methods

1. The Parties shall adopt where appropriate legislation, regulations or administrative measures to restrict the availability (including provisions to control movement, possession, importation, distribution and sale) as well as the use in sport of banned doping agents and doping methods and in particular anabolic steroids.

2. To this end, the Parties or, where appropriate, the relevant non-governmental organisations shall make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.

3. Furthermore, the Parties shall:

a) assist their sports organisations to finance doping controls and analyses, either by direct subsidies or grants, or by recognising the costs of such controls and analyses when determining the overall subsidies or grants to be awarded to those organisations;

b) take appropriate steps to withhold the grant of subsidies from public funds, for training purposes, to individual sportsmen and sportswomen who have been suspended following a doping offence in sport, during the period of their suspension;

c) encourage and, where appropriate, facilitate the carrying out by their sports organisations of the doping controls required by the competent international sports organisations whether during or outside competitions; and

d) encourage and facilitate the negotiation by sports organisations of agreements permitting their members to be tested by duly authorised doping control teams in other countries.

4. Parties reserve the right to adopt anti-doping regulations and to organise doping controls on their own initiative and on their own responsibility, provided that they are compatible with the relevant principles of this Convention.

4.1

The evaluation team appreciated that the laws in place target the availability and any non-medicinal use of anabolic steroids, testosterone and its derivatives, and growth hormones. This type of legislation reflects the premise of Article 4.1 of the Anti-Doping Convention as, compared with other substances on the doping list, these substances are the ones most commonly used not just in sport, but also, and particularly, outside the sporting arena. It demonstrates that Sweden's Government has recognised that anabolic steroids are often taken in combination with other substances, such as narcotics or alcohol, or for body image reasons.

The evaluation team recognises that the advantage of this model is how easy it is to operate as the provisions apply to everyone, not just sportsmen and women. There can be certain difficulties related to the flexibility of updating the legislation and the lack of flexibility of such an act. Moreover, for the evaluation team, it is not clear whether Sweden has the legal framework in place to enable it to take swift action in incidents such as the one which occurred in the 1998 Tour de France when, after suspicions were first aroused, the French police were able to carry out the necessary raids and investigations of the cycling teams very swiftly.

- The evaluation team therefore recommends reviewing the existing legislation on restricting the availability of substances and to consider the following improvements:

a. If possible, anabolic steroids should no longer be circumscribed; instead, they should be listed in accordance with the WADA's current listing in a regularly updated annex to the law.

b. Besides growth hormones, the other peptide hormones on the WADA list such as EPO, hCG, LH, corticotrophin and IGF-1 as well as the anti-oestrogen substances should be included.

c. Consider whether the existing laws are enough to take swift actions to establish the relevant facts when there is a suspicion of doping abuse at a current event.

4.2-4.3

The evaluation team considers that the commitments arising from Article 4 are very well observed. Sweden satisfies the requirements.

Actions and explanatory comments

a. The evaluation team's recommended the creation of a list of anabolic steroids in accordance with WADA's listing and as an annex to the law.

The main Swedish law dealing with the restriction of doping substances is the Act Prohibiting Certain Doping Substances (1991:1969). The act applies to synthetic anabolic steroids, testosterone and its derivatives, growth hormones and chemical substances that increase the production and release of testosterone and its derivatives or of growth hormones. This makes it clear that the law covers all anabolic steroids. Moreover, it also includes other substances with similar chemical structures or similar biological effects.

In case of any uncertainties with regard to the classification of a certain substance as a doping substance, an expert group has been established to assist the Swedish judicial system in legal cases involving suspicions and allegations about the import, transfer, production, acquisition for the purpose of transfer, offer for sale, possession or use of doping substances.

The expert group is headed by the National Institute of Public Health. Other institutions and organisations involved are: the Division of Pediatric Endocrinology at Karolinska Institute, the National Board of Forensic Medicine, the National Laboratory of Forensic Science, the National Food Administration, the Customs Laboratory and the Doping Laboratory at Karolinska University Hospital.

In order to assist the Swedish judicial system, the expert group has compiled a list of doping substances. The expert group's list was published for the first time on the official website of

the National Board of Public Health in February 2006. The decision to publish the list is explained by the expert group as the best way to make the list available to professionals who encounter doping-related issues in the course of their professional activities. For the general public, the list will provide a helpful tool, for example, for individuals and groups wishing to avoid handling and dealing with any substance that they are uncertain about. The expert group made the latter assumption after close consultation with representatives of the public prosecution authority. Furthermore, since the list will be monitored and upgraded regularly by the expert group, everybody will have access to the latest version of the list as soon as it is published on the Internet.

The general assumption is that the list will have two main benefits. Firstly, when used by the courts in various cases involving doping, the list will help to establish a precedent (case law) that will benefit the judicial system. Secondly, since the list is subject to continuous upgrading, based, among others, on the WADA list, the law and other sources, it will constitute a flexible tool that corresponds to the general nature of the Act Prohibiting Certain Doping Substances (1991:1969).

b. The evaluation team recommends that a number of peptide hormones cited on the WADA list as well as anti-oestrogen hormones should be included in the list recommended under a.

The WADA Prohibited List is covered in its entirety by a number of laws in Sweden, the most relevant of which are, primarily, the Act Prohibiting Certain Doping Substances (1991:1969), the Medicinal Products Act (1992:859) and the Narcotic Drugs (Penalties) Act (1968:64). In case any new substances that are not considered medical products are included on the Prohibited List, it is possible to apply the Act Prohibiting Certain Goods Dangerous to Health (1999:42). Therefore, it can be concluded that the Swedish legislation covers a wide range of products, whether classified as narcotics, doping substances or medical products. Any other concrete measures to reshape the rationale for creating the list mentioned under a. are consequently of no practical advantage.

In order to better illustrate the coverage of doping substances under Swedish law, the table below can serve as a concise overview.

Substances banned according to the WADA Prohibited List

Prohibited substances according to WADA	The Act Prohibiting Certain Doping Substances (1991:1969)	The Medicinal Products Act (1992:859)	The Narcotic Drugs (Penalties) Act (1968:64)
S1. Anabolic agents	X	X	
S2. Hormones and related substances	X	X	
S3. Beta-2 agonists		X	
S4. Anti-oestrogenic agents		X	
S5. Diuretics and masking agents		X	

S6. Stimulants		X	X
S7. Narcotics			X
S8. Cannabinoids			X
S9. Glucocorticosteroids		X	

c. The evaluation team wonders whether Swedish law permits sufficiently swift action in the event of suspicions of doping abuses at a current sporting event.

As commented on under the previous two sections, legal actions against doping issues are covered by a number of laws. The penalties for breach of these laws vary from fines for usage to four years imprisonment in the case of the doping law and up to ten years imprisonment for smuggling, sale etc. for the narcotics law. For repeated and major offences there may be, according to general principles of Swedish criminal law, a penalty of up to eighteen years imprisonment. This means, in effect, that the Swedish police do have sufficient sanctioned authority to take swift action if a suspicion of doping abuse occurs. Obviously some actions would require a warrant issued by the public prosecutor, although in this respect the Swedish legislation follows an internationally widespread pattern and should not cause any practical obstacles.

Article 5 – Laboratories

1. Each Party undertakes:

a) **either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organisations and approved by the monitoring group under the terms of Article 11.1.b; or**

b) **to assist its sports organisations to gain access to such a laboratory on the territory of another Party.**

2. These laboratories shall be encouraged to:

a) **take appropriate action to employ and retain, train and retrain qualified staff;**

b) **undertake appropriate programmes of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;**

c) **publish and circulate promptly new data from their research.**

The evaluation team considers that all requirements related to Article 5 of the Anti-Doping Convention of the Council of Europe are fully fulfilled by the Anti-Doping laboratory.

Article 6 – Education

1. The Parties undertake to devise and implement, where appropriate in co-operation with the sports organisations concerned and the mass media, educational programmes and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values of sport. Such programmes and campaigns shall be directed at both young people in schools and sports clubs and their parents and at adult sportsmen and sportswomen, sports officials, coaches and trainers. For those involved in medicine, such educational programmes will emphasise respect for medical ethics.

2. The Parties undertake to encourage and promote research, in co-operation with the regional, national and international sports organisations concerned, into ways and means of devising scientifically-based physiological and psychological training programmes that respect the integrity of the human person.

The evaluation team noted with satisfaction that the scope of educational activities in the SSC has widely covered all aspects of the sports community, including the problems outside sports. The co-operation within the SSC allows the involvement of the whole sports community in the work related to Anti-doping and the Swedish sports Community seems to be very committed to this work. The link between research results and educational programmes is one of the strengths of the Swedish approach. Many projects could serve as an example for other countries (Clean Winners, Work with gyms). The provisions of Article 6 of the Anti-Doping Convention of the Council of Europe are fulfilled by Sweden.

However, considering the experience and the volume of educational activities, an overall concept would be helpful in order to define the priorities and line of action.

- *The evaluation team would advise the use of all valuable material which is collected within all projects analytically to develop strategic planning for education and information.*
- *It would be worth developing studies on the effectiveness of the educational programme. A survey could help to measure the impact of Sweden's Anti-Doping Programme on the population.*

The evaluation team noted that most of the various target groups quoted in the Convention are reached by the educational programme. However, there are no longer any programmes focused in schools, and the training of police and customs authorities, considering their active role in the fight against doping, could be improved.

- *School projects could be promoted, but the evaluation team suggests that such projects should be extended to cover much wider topics than only on doping.*
- *The training course for customs officers and policemen could be implemented on a larger scale in their initial training and a number of seminars could be set up in order to raise the average knowledge of these professionals involved in the fight against trafficking.*

Actions and explanatory comments

- Educational activities in the SSC:

The positive assessment of the evaluation team on the Swedish educational and informative activities in the field of anti-doping is received with satisfaction on Sweden's behalf. The SSC welcomes the proposal for an overall concept as a foundation for future priorities and planning of activities. The starting point of all information and education activities in Swedish anti-doping work in sport is the established Communication Plan. The Plan defines the aims, target groups, messages and priorities of the work. The Communication Plan is based on previous experience from the different areas of activity and the goals achieved as well as on analyses of different material from external sources of information.

A number of initiatives have been taken, within the sport organisations, in line with the recommendation of the evaluation team, to closely examine the efficiency and effect of the preventive programme regarding athletes, coaches, other personnel and the public. Beside the surveys, which were a part of the project "Clean Winners", a survey was carried out to take stock of the image that the mass media present regarding doping and anti-doping work respectively.

Additionally, a survey of international sociological and behavioural scientific research was finalised. The survey will serve as a foundation for long-term strategy on research in the field of anti-doping. Furthermore, for the purpose of close examination of the effects of different strategies in anti-doping work, an initiative has been taken to carry out comparative studies among the Nordic countries.

In conclusion, the preventive work carried out by the SSC continues to develop. In this work, the SSC also considers WADA's new Model Guidelines for Core Information/Education Programs to Prevent Doping in Sports, which have been developed in close cooperation with the Monitoring Group of the Anti-Doping Convention of the Council of Europe, to be a welcome and useful tool. The Guidelines can provide support for the development of long-term strategies and single projects in the field of preventive anti-doping work.

- Educational programmes in schools:

According to a recent survey carried out by the National Institute of Public Health, less than one percent of all students at primary schools up to upper secondary school level have been in some form of contact with doping substances. Regardless of the low percentage of students associated with doping, the aim in Sweden is to eliminate any doping activities among children and young people in schools and in society at large.

The school (educational) system in Sweden is regulated by, amongst others, the following laws: the Education Act (1985:1100), the Work Environment Act (1977:1160) and the Health and Medical Services Act (1982:763). The latter two of these three acts touch upon doping under the theme of drugs. Work against drugs is one of the general goals of the school curriculum. More specifically, doping is included in the parts of the syllabus dealing with the subjects Sport and Health (PE) and Specialised Sport. Therefore, it can be said that the goals for working against drugs in schools are currently expressed in a general manner. However, in the near future they will assume more specific expression since the new proposed syllabus for the subject Sport and Health (PE) in upper secondary schools (to be confirmed by the Swedish National Agency for Education) explicitly talks about doping. The formulation requires schools to provide students with knowledge about the effects of drugs and doping substances on physical and mental health. Furthermore, education on this subject is to include ethical and moral issues relating to the practice of sport and physical activity. In fact,

knowledge about the effects of doping (combined with knowledge about nutrition and drugs) is one of eight central themes on the subject.

The Swedish school system is goal-orientated. This leaves the local administration at every school free to choose methods for implementing the regulations as long as the general goals and aims of the curriculum are fulfilled. The Swedish Government is currently working on a new education bill to be put before Parliament. If approved it will strengthen student health issues. This could, in effect, mean that work against doping will be part of this central issue. Furthermore, it is mandatory for every school to take remedial measures for any student facing difficulties. Depending on the nature of the situation, the school should seek help and cooperation from specialised authorities so as to come up with the best possible methods to help the student. This obligation supplements the educational and informative activities, which are primarily preventive.

Several other measures have been taken to strengthen educational and informative work on combating the use and misuse of a wide range of drugs in schools. The inclusion of doping in the wider definition of drugs is a natural step towards an overall concept and is in compliance with the recommendation of the evaluation team. The newly proposed action plans dealing with alcohol and narcotics point out the vital role of schools in shaping the future habits and attitudes of young people towards drugs. Doping is mentioned specifically in the action plans. The Swedish school system is, as mentioned above, orientated towards general goals. In a number of schools the local administration has, on its own initiative, supplemented the traditional educational activities on Alcohol, Narcotics and Tobacco (ANT) with the topic of doping (DANT).

- Training courses for customs officers and policemen:

As part of the current and recently revised basic education programme on the fight against crime for customs trainees, a course on knowledge about narcotics and precursors is taught. Knowledge about doping substances is part of this course. For several years now, the Swedish Customs Service has organised a complementary course for crime-fighting officials on control and physical examination. Doping is one of the four parts of this course.

As an extraordinary measure, the Swedish Customs Services organises a network of information officers. These are customs officials (and Coast Guard officials) with specific educational and informative responsibilities in addition to their regular duties. They receive three weeks education at the Swedish Customs Service's own school in Norrtälje. The school in Norrtälje gives specialised courses on doping. In the course of these three weeks, the officials are educated by specially invited experts on various drugs, including doping. Their primary task is to enhance preventive work by providing information to colleagues and the public.

As part of their routine work, customs staff take part in what are known as "exposition meetings". At these meetings the staff are informed about current issues, including developments in the anti-doping field. The Customs Service provides its officials with a Drug Information Guide, published and updated on the intranet. Besides core information, the Guide contains a collection of links to other information guides.

The Customs Service has specialised officers for different areas. There are two officers for each of the following areas: narcotics, doping, medical products and precursors. The

specialised officers have a responsibility at national level to inform and update their colleagues and to take part as educators in the internal educational system.

The Customs Service is involved in various constellations of cooperation and coordination groups at national level, with the police and Coast Guard authorities, among others. The aim of these groups is to share valuable information and to cooperate on various educational activities.

Finally, in the course of 2006 the specialised officers will tour the country's local stations to inform officials about current issues and the latest developments. In conclusion, the Swedish Customs Service is developing its internal routines in various fields, including doping. The state of knowledge on doping is at a high level and continues to improve.

The Swedish Police's confiscations of doping substances have increased steadily since the year 2000. The confiscations are made mainly in connection with physical searches of suspected persons.

At the National Police Academy educational activities on doping are included in the basic training and consist primarily of a presentation of the Act Prohibiting Certain Doping Substances. When it comes to the more technical aspects of the subject, external experts are invited. These experts have a focus on the medical and sociological effects of doping respectively.

In the further education of police trainees, doping is included in the subject of narcotics. The course is divided into two parts. The first part deals with fighting drugs in the streets. Expertise is provided by the public prosecution offices, among others. The second part is dedicated to chemical and physiological aspects of the subject. Expertise is provided by the National Laboratory of Forensic Science, and includes a survey of doping substances. The Academy is planning to include medical products in the course in the future.

Also at national level, there is a specialised officer responsible for monitoring the illegal trade (trafficking) and misuse of anabolic steroids and other doping substances. This officer is also called in to the National Police Academy to hold lectures on doping. Over the years, this officer's expertise has been used by a number of institutions including the National Public Prosecution Authority. In conclusion, doping is part of the educational activities at the police academies. The necessary expertise is not always available among the police educators themselves but this is remedied by the invitation of external experts in the area.

Article 7 – Co-operation with sports organisations on measures to be taken by them

1. The Parties undertake to encourage their sports organisations and through them the international sports organisations to formulate and apply all appropriate measures, falling within their competence, against doping in sport.

2. To this end, they shall encourage their sports organisations to clarify and harmonise their respective rights, obligations and duties, in particular by harmonising their:

a) anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;

b) lists of banned pharmacological classes of doping agents and banned doping methods on the basis of the lists agreed by the relevant international sports organisations;

c) doping control procedures;

d) disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:

i. the reporting and disciplinary bodies to be distinct from one another;

ii. the right of such persons to a fair hearing and to be assisted or represented;

iii. clear and enforceable provisions for appealing against any judgment made;

e) procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;

f) procedures for the mutual recognition of suspensions and other penalties imposed by other sports organisations in the same or other countries.

3. Moreover, the Parties shall encourage their sports organisations:

a) to introduce, on an effective scale, doping controls not only at, but also without advance warning at any appropriate time outside, competitions, such controls to be conducted in a way which is equitable for all sportsmen and sportswomen and which include testing and retesting of persons selected, where appropriate, on a random basis;

b) to negotiate agreements with sports organisations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorised doping control team of that country;

c) to clarify and harmonise regulations on eligibility to take part in sports events which will include anti-doping criteria;

d) to promote active participation by sportsmen and sportswomen themselves in the anti-doping work of international sports organisations;

e) to make full and efficient use of the facilities available for doping analysis at the laboratories provided for by Article 5, both during and outside sports competitions;

f) to study scientific training methods and to devise guidelines to protect sportsmen and sportswomen of all ages appropriate for each sport.

The evaluation team commented on the appeal system used in Sweden in expressing the following: *This means that the appeal system is rather well recognised and that it is independent and impartial. However, the evaluation team believes that the independence of*

the Tribunal might be criticized since the members of the tribunal might be involved in a federation.

- Even if the Swedish specialists underlined that there are no personal links between disciplinary bodies, reporting bodies and the Supreme Sport Tribunal, the evaluation team recommends considering how to better emphasize the independence of the Supreme Sport tribunal towards the Swedish Sport Confederation. Such measures could include nominations to the Supreme Sport Tribunal of judges or experts without connection to sport or to define some incompatibilities between official functions for federations and members of the Supreme Sport Tribunal.

Concerning disciplinary measures, the evaluation team recognized that the quality of the decision at first instance, especially in small federations which are not often concerned by cases, could be a problem.

- It recommends setting up supporting measures to help smaller federations to improve the quality of the judgments.

On 7.2.e the evaluation team gave the following comment and advice: *The evaluation team recognized the efficiency of this system for members of sport organisations, since all sport organisations are members of the SSC. However, it expressed concern regarding the relevance of federation statutes and regulation for athletes' entourage, who is not a member of the federations.*

- The evaluation team advises the SSC to clarify, if indeed, whether the athletes' entourage is under the jurisdiction of the sport organisation.

The anti-doping activities in Sweden comply with the requirement of Art. 7 since most of the anti-doping policy have been delegated to the SSC and the SSC is responsible for the implementation of the Convention. Therefore, the co-operation processes between a State party and its sport organisations are lean and efficient.

Actions and explanatory comments

The Supreme Sport Tribunal consists of a Chairperson, a Vice-Chairperson and six regular board members and is elected by the SSC's General Assembly. The Chairperson and the Vice-Chairperson are elected for a period of two years and the other board members for a four-year term. At every General Assembly, three members are elected. Gender equality is required when electing the ordinary board members.

The regulations prescribe that the Chairperson and Vice-Chairperson should be experienced in the judicial system. Board members or deputy members of federation boards within the SSC are ineligible for election to the Supreme Sport Tribunal or the Doping Commission. The Chairperson, in consultation with the Vice-Chairperson, decides on the distribution of responsibilities among the board members. The Supreme Sport Tribunal is competent to make decisions when at least four board members are present. In principle this means that matters are resolved by the Chairperson, or the Vice-Chairperson, in addition to three of the other board members, unless the issue is of major importance, in which case it may require a higher number of board members to be involved.

The SSC is a non-profit organisation with its own statutes. To the extent to which any gaps exist in the statutes regarding a given situation, the statutes are supplemented by Swedish legislation and case law. As mentioned above, board members within the SSC are ineligible for election to the Supreme Sport Tribunal, which means in effect that they cannot be part of any judicial organ at the highest level. However, the statutes do not deal with persons exercising other functions within a Sports Federation and who may be open to challenge in certain matters to be resolved by the Supreme Sport Tribunal. In these cases the current regulations in Swedish law are implemented. Due to the fact that both the Chairperson and the Vice-Chairperson are or have been a judge, they are familiar with the regulations concerning challengeability of judges and other cases where a person's credibility as an impartial part of a judicial assembly is in question. In the SSC's view, supplementing the statutes in this manner gives a more general approach to the issue, rather than defining incompatibilities between official functions for federations and the Supreme Sport Tribunal, as proposed by the evaluation team. It is primarily the duty of the individual board member to declare that he or she is open to challenge in a certain case. Furthermore, the Chairperson is required to raise the question for discussion if he or she suspects that a board member is open to challenge. Finally, concerning the Supreme Sport Tribunal's regulations on competence to make decisions, the SSC regard it as highly questionable if a case should remain undecided due to the impediment of challengeability. This matter is also of concern for the Election Committee when considering nominations to the board.

To be able to nominate a person to a position in the organisations of the SSC, it is required that the candidate is member of a member association in the SSC. This rule in effect makes non-members of the SSC ineligible for election to the Supreme Sport Tribunal. The reason behind the evaluation team's recommendation that nominations to the Supreme Sport Tribunal should include persons without any connection to sport is, as we understand it, a means to prevent challengeability. In the argument laid out above it is explained that the SSC does not see any problem in board members being involved in any sport organisation. However, the SSC has declared its awareness of the fact that in other countries separate reporting and judging bodies exist, where board members have no such connection to sport and where this condition seems to be an advantage. In Sweden the SSC is independent and unattached. It is an organisation with an area of activities run by its member organisations, the sport federations. Over a quarter of the Swedish population belongs to a sport association. It is vital for the SSC that no party outside the organisation makes decisions concerning events inside sport. A position in a sports body demands a commitment to sport. A great part of the work done in the sport organisations in Sweden is carried out on a voluntary basis. This is also the case at the Supreme Sport Tribunal. The Tribunal is elected by the General Assembly and it is responsible for final penal decisions in sport. The SSC does not recognise the advantage of having non-sport related board members involved in decisions on doping issues or any other issues in sport.

- The evaluation team recommends setting up supporting measures to help smaller federations to improve the quality of the judgments.

The SSC secretariat provides its member organisations with a judicial function that provides assistance and expertise on different types of judicial issues. Among other duties, the senior lawyer is responsible for the education of the sport federations on regulations, including doping regulations and dealing with doping offences. If any uncertainties arise about an issue, the federation could always seek advisory help from the secretariat. This is especially important for the smaller federations since the bigger ones hire their own judicial expertise.

The SSC believes this support system is sufficient and no further development of it is necessary.

- The evaluation team advises the SSC to clarify, if needed, whether the athletes' entourage is under the jurisdiction of the sport organisation.

According to the statutes in effect at the time of the evaluation visit, aside from the athlete, any other person who assisted or provided the athlete with doping substances or methods could be penalised. This rule was also applicable to persons who were not members of a sport association.

The regulations were changed as from 1 July 2004 and are fully in compliance with the World Anti-Doping Code.

Article 8 – International co-operation

1. The Parties shall co-operate closely on the matters covered by this Convention and shall encourage similar co-operation amongst their sports organisations.

2. The Parties undertake:

a) to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organisations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report;

b) to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5; and

c) to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organisations in order to achieve, at the international level as well, the purposes set out in Article 4.1.

3. The Parties with laboratories established or operating in pursuance of Article 5 undertake to assist other Parties to enable them to acquire the experience, skills and techniques necessary to establish their own laboratories.

Sweden is involved in many international forums and agreement dealing with the fight against doping. It benefits from co-operation like IADA, where focus on high quality is important. The international co-operation of Sweden complies with the expectations of Art. 8 of the Convention. However, Sweden could contribute to raise the general standard level of international regulation and co-operation since it is very skilful in many areas of the anti-doping activities.

- An active international policy both on governmental and non-governmental levels is recommendable.

- Considering, however, the potential of the laboratory and its significance in the system of WADA accredited laboratories, the co-operation with other European Countries, especially located in Central Europe, could be strengthened.

Actions and explanatory comments

Sweden aims, both at governmental and non-governmental levels, to contribute to the development and the strengthening of anti-doping work. Therefore, the positive remarks of the evaluation are received with satisfaction.

As mentioned by the evaluation team, Sweden is involved in a number of international forums in the field of anti-doping. It is of great importance to the Swedish Government to support international efforts aimed at fighting and eventually eliminating doping in sport. The commitment of the Government was illustrated by the rapid ratification of the new International Convention against Doping in Sport under UNESCO. In connection with its ratification, Sweden has encouraged other Member States, in various forums, to engage in a positive and practical pragmatic approach to the UNESCO Convention. The forums involved have been the Council of Europe, the European Union, IADA and other multilateral and bilateral meetings. In this respect, Sweden has continued its tradition of being a strong and frank promoter of international cooperation in the field of anti-doping.

Through its engagement in IADA, Sweden has shown its genuine commitment to exploring new ways of strengthening international cooperation against doping. Together with nine other members, Sweden is working closely with WADA, among others, to raise the quality of anti-doping work. The fact that both the Swedish Government and the SSC (the Swedish NADO) are taking part in the work of IADA shows the strong links and close cooperation between the Swedish Government and the Swedish sport community in pursuing common goals.

The overall aim of Swedish anti-doping work is to ensure the right of Swedish athletes to take part and to compete in sport competitions free from doping. It is also part of this aim to try to influence our surroundings and the international sport environment.

Therefore, the direction of the NADO's international work is to try to influence and support the development of an internationally harmonised Anti-Doping Programme of high quality, by setting a good example, international action and cooperation. This direction has the full support of the Swedish Government.

In the coming years, the SSC will give priority to the implementation of the World Anti-Doping Code on a global stage and the continuous development of both WADA and the WADC, as well as the implementation of the new International Convention against Doping in Sport under UNESCO.

In an international perspective it is clear that it is important to spread the experience of the broader targeting chosen by Sweden in the fight against doping. In this context, doping is seen not just as a problem in sport but also in a wider perspective, and, especially in the case of anabolic androgenic steroids, as a general problem for the whole of society.

The implementation of the WADC also affects the activities of the Doping Laboratory. The Laboratory is involved in a number of forums for international cooperation. It assists Iceland and Latvia with certain consultative services and readiness exists currently to assist in the

structural build-up of new laboratories in other parts of the world, if needed. At Nordic level, the Laboratory engages in regular cooperation and exchange with the Norwegian and Finnish laboratories. Representatives of the Laboratory take part annually at the Manfred Donike Workshop in Germany, to which all WADA-accredited laboratories have access.

In the area of research, the Laboratory has been awarded funding from WADA for two projects. The first project is entitled: “Human androgen metabolism, kinetics and excretion – Genetic and ethnic determinants of variation” (four years). The second project is entitled: “Evaluation of membrane-assisted isoform immunoassay (MAIIA) for detection of rhEPO in doping” (three years, in cooperation with the University of Uppsala).